

Remarks/Arguments

This Preliminary Amendment in support of a RCE is submitted in response to the Advisory action, dated June 15, 2006. The originally submitted Amendment was prepared in response to the most recent Office Action in this case, which Action was dated April 6, 2006. It was not noted that that action was a FINAL action. In that Action, which essentially confirms that applicant's last response to the first Office Action successfully overcame the Examiner's rejections of the claims in that Action, the Examiner now rejects claims 1, 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0046238 A1 to Estavillo *et al.* in view of U.S. Patent Application Publication No. 2003/0007171 A1 to Simpson *et al.*; rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Estavillo *et al.* in view both of Simpson *et al.* and U.S. Patent No. 6,621,590 B2 to Livingston; rejects claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Estavillo *et al.* in view of Simpson *et al.*; rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Estavillo *et al.*, in view both of Simpson *et al.* and U.S. Patent Application Publication No. 2002/0016841 A1 to Hirashima *et al.*; and rejects claim 16, also under 35 U.S.C. § 103(a) as being unpatentable over a proposed combination of Estavillo *et al.* and Simpson *et al.*

Once again, applicant has carefully reviewed the Examiner's positions taken with respect to the claims presented in this application, has done so in light of the newly cited and applied prior art, has thoroughly reviewed the presently presented claims to invention and the supporting disclosure, and by the present Amendment proposes certain modest changes in currently amended claims 1 and 10 which are believed to place all claims now present in this

application, on the basis of entry of the present Amendment, in conditions for full formal allowance.

No matter the proposed new prior art combinations asserted by the Examiner to support positions of obviousness with respect to applicant's claims, there are serious deficiencies in these references, and particularly in the principal Estavillo *et al.* reference, not mended by any proposed combination of the cited references, notwithstanding the fact that applicant disagrees that these references are properly combinable. These deficiencies make it very clear that applicant's invention is non-obvious in view of this cited and applied art, and is therefore patentable as claimed in the currently presented claims.

It is very important to recognize that the Estavillo *et al.* *main* reference is concerned principally with providing the requester of a print job with a very basic and general kind of print preview of a print-requested document. Estavillo *et al.* does not contemplate, suggest, or in any way provide for the more sophisticated "aesthetic look" print preview request options offered by applicant's invention. As the Examiner acknowledges, a user request for a print preview in accordance with the Estavillo *et al.* practice does *not* follow a path, or a route, in which, on its way to a printing device for obtaining a response from that device, it passes through a region wherein the user/requester can implement aesthetic print-appearance and formatting options, such as page-appearance look and format options that involve things such as spatial and positional relationships, font style, and print area distribution, to name a few. Whether or not a particular printer "facing" such a request will be able to meet such additional optional look and appearance requests from the user will depend, of course, upon the capabilities of the particular

printer or printing device involved.

In the Estavillo *et al.* approach, where no such aesthetic look option is provided, simplicity in the implementation of the Estavillo *et al.* concept dictates that a user simply be given the option of either accepting or rejecting a proposed print view preview provided by a printing device, without any opportunity to request from the device particular appearance formatting. In order to keep the Estavillo *et al.* approach as simple as possible without burdening a host or “client computer” with the task of sending special user optional formatting requests, and particularly in a networked system wherein multiple printers are available, a user, in order to land upon, perhaps, an acceptable output printing appearance, *must do so by sending merely basic print preview requests to each in a plurality of printing devices, with the user simply having an option, if he or she wishes, to select for use that printer among that plurality of printers which produces the most acceptable print appearance preview.* A user is committed to seeing how each of several different printers will, by default, print a page. The user cannot specify a formatting look, such as that selectable in the practice of applicant’s invention, to see how a printer will handle such a specification.

Thus, the Estavillo *et al.* system is one which seeks to preserve simplicity in the handling of print preview requests. It most decidedly is against Estavillo *et al.* thinking to “burden” a host or client computer with a special user option path, and accordingly, any combining-of-art suggestion based upon an assertion that the teachings or suggestions of another reference, which may offer a variety of user print-request options, could properly be imported into an Estavillo *et al.* type system for the purpose of modifying that (Estavillo *et al.*) system, works

counter to an important consideration in the design of the Estavillo *et al.* system, and thus, effectively, works a destruction of the simplicity of the simple system which is focused upon by Estavillo *et al.*

None of the other references, in any event, teaches or suggests providing a user with the kind of print-appearance aesthetics options offered in accordance with applicant's claimed invention. For example, the next principal reference, Simpson *et al.*, does not offer the printing look and format aesthetic appearance options offered by applicant's invention. The options for possibilities referred to in Simpson *et al.* have nothing to do with page layout aesthetics, positional relationships, etc. options. Rather, the Simpson *et al.* discussed options relate to *finishing* options, such as duplex printing, stapling of copies, and whether or not, in a broad-brush way, to print in black-and-white, or to print in color. Applicant's options are truly aesthetic appearance options which have to do with font style, printing text layout and spatial occupation on a page, color-space selection (RGB, CMYK, etc.), and many others which fit soundly into applicant's intended enablement of the user to control page printing look and feel aesthetics.

The additionally cited and applied Livingston and Hirashima *et al.* references relate to matters which are tangential to the key foundation distinguishing elements of applicant's invention, and do not, in any manner, cure the important prior art deficiencies noted above relating to the Estavillo *et al.* and Simpson *et al.* references.

By the present Amendment, and with reference to the modest changes proposed in currently amended claims 1 and 10, in these two claims, language has be augmented to point out

with greater specificity the important aesthetics and appearance natures of the special print preview options which applicant's invention permits to be inserted as option requests in a communication path requesting a print preview from a printing device. These language changes in these two claims, which changes telegraph into the respective, associated, dependent claims, further clarify important patentable distinctions which exist between applicant's claimed invention and the cited and applied prior art references, no matter whether such references are taken singly, or in any combination of two or more, with or without additional reference being made to the asserted skill the art. In point of fact, nothing in the cited and applied prior art shows or suggests that which is clearly set forth in applicant's now-presented claims in this application. Accordingly, favorable reconsideration of the application, and allowance of all claims therein, as these claims exist on the basis of entry of the present Amendment, are respectfully solicited. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any

additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

55428



Respectfully Submitted,

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A handwritten signature of Robert D. Varitz in black ink, written over a horizontal line.

CERTIFICATE OF EXPRESS MAILING

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I hereby certify that the attached PRELIMINARY AMENDMENT IN SUPPORT OF RCE UNDER 37 C.F.R. § 1.114 and a PTO-2038 credit card authorization form in the amount of \$790.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

A handwritten signature of Robert D. Varitz in black ink, written over a horizontal line.

Robert D. Varitz